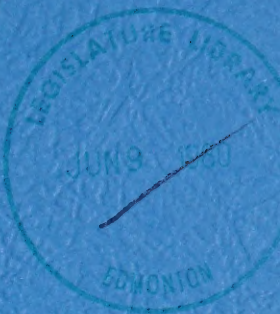
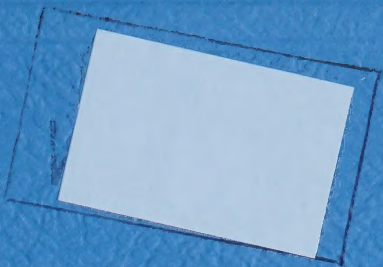


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FOURTH ANNUAL REPORT
of the
SURFACE RIGHTS BOARD
1975

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FOURTH ANNUAL REPORT

of the

SURFACE RIGHTS BOARD

appointed under

THE SURFACE RIGHTS ACT

for the year 1975

JOHN D. McARTHUR

Chairman

Members in Edmonton

Members in Calgary

K. J. Spread

L. P. Pollard

C. H. Nielsen

S. C. Tippett

F. Martin

A. W. Benedix

Honourable Marvin E. Moore,
Minister of Agriculture,
423 Legislative Building,
Edmonton, Alberta.

Sir:

I have the honour to submit the Fourth Annual Report of the Surface Rights Board for the calendar year 1975, pursuant to section 10(a) of The Surface Rights Act.

I was called upon to attend meetings and address a various number of organizations, particularly on the workings of The Expropriation Act, since it is still a relatively new piece of legislation. These groups consisted of farmers organizations, expropriating authorities, the right of way buyers association, amongst others. Although more of my time was devoted to such meetings in the last calendar year as compared to previous years, the time was well spent in that the land-owners, in particular, now have a better understanding and appreciation of expropriation and the Board's responsibility under The Expropriation Act.

As in previous years, the Board assisted in the recovery of compensation where a mineral operator had failed to pay any money under a surface lease or a compensation order made by the Board.

In 1975 the Board issued:

- (a) 1,416 orders relative to proceedings under The Surface Rights Act,
- (b) 61 orders under The Expropriation Procedure Act, and
- (c) 94 certificates pursuant to The Expropriation Act.

Mr. Frank Martin was appointed a Member of the Board effective November, 1975. He will be working out of the Board's Edmonton office. Mr. Martin's appointment brings to seven, the maximum number of Members appointed by the Lieutenant Governor in Council.

The attached statements A to L inclusive provide a detail of the number of applications and notices of intention dealt with by both the Edmonton and Calgary offices of the Board during 1975, while statements M and N relate to appeals.

Respectfully submitted,

John D. McArthur,
Chairman.

January 30, 1976

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT
FOR RIGHT OF ENTRY FOR OIL AND GAS
dealt with in 1975

	<u>CROWN</u>	<u>PRIVATE</u>	<u>TOTAL</u>
APPLICATIONS RECEIVED:			
Carried over from previous year	64	246	310
Received during the year	<u>87</u>	<u>186</u>	<u>273</u>
	151	432	583
	<u> </u>	<u> </u>	<u> </u>
APPLICATIONS DISPOSED OF:			
Right of Entry granted - compensation determined	31	160	191
Settled independently of Board	9	26	35
Withdrawn - project not proceeded with	8	29	37
Rejected	-	-	-
Termination - no compensation	19	81	100
	<u> </u>	<u> </u>	<u> </u>
	67	296	363
	<u> </u>	<u> </u>	<u> </u>
APPLICATIONS OUTSTANDING:			
	84	136	220
	<u> </u>	<u> </u>	<u> </u>

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SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT
FOR RIGHT OF ENTRY FOR COAL
dealt with in 1975

	<u>CROWN</u>	<u>PRIVATE</u>	<u>TOTAL</u>
APPLICATIONS RECEIVED:			
Carried over from previous year	-	1	1
Received during the year	-	-	-
	—	—	—
	-	1	1
	—	—	—
APPLICATIONS DISPOSED OF:			
APPLICATIONS DISPOSED OF:			
Right of Entry granted - compensation determined	-	-	-
Settled independently of Board	-	-	-
Withdrawn - project not proceeded with	-	-	-
	—	—	—
	-	-	-
	—	—	—
APPLICATIONS OUTSTANDING:	-	1	1
	—	—	—
	—	—	—

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT
ALL APPLICATIONS FOR RIGHT OF ENTRY
dealt with in 1975

	<u>CROWN</u>	<u>PRIVATE</u>	<u>TOTAL</u>
APPLICATIONS RECEIVED:			
Carried over from previous year	64	247	311
Received during the year	87	186	273
	151	433	584
APPLICATIONS DISPOSED OF:			
Right of Entry granted - compensation determined	31	160	191
Settled independently of Board	9	26	35
Withdrawn - project not proceeded with	8	29	37
Rejected	-	-	-
Terminated - no compensation	19	81	100
	67	296	363
APPLICATIONS OUTSTANDING:			
	84	137	221

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT
FOR TERMINATION OF RIGHT OF ENTRY IN FULL
dealt with in 1975

	<u>CROWN</u>	<u>PRIVATE</u>	<u>TOTAL</u>
APPLICATIONS RECEIVED:			
Carried over from previous year	11	22	33
Received during the year	35	146	181
	46	168	214
APPLICATIONS DISPOSED OF:			
Request for termination granted	35	146	181
Request for termination withdrawn	-	1	1
	35	147	182
APPLICATIONS OUTSTANDING:	11	21	32

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT
FOR TERMINATION IN PART OF RIGHT OF ENTRY
dealt with in 1975

	<u>CROWN</u>	<u>PRIVATE</u>	<u>TOTAL</u>
APPLICATIONS RECEIVED:			
Carried over from previous year	2	2	4
Received during the year	4	-	4
	-	-	-
	6	2	8
	-	-	-
APPLICATIONS DISPOSED OF:			
Request for termination in part granted	-	2	2
Request for termination in part withdrawn	1	-	1
Request for termination in part rejected	-	-	-
	-	-	-
	1	2	3
	-	-	-
APPLICATIONS OUTSTANDING:			
	5	-	5
	-	-	-

SURFACE RIGHTS BOARD

SUMMARY OF SETTLEMENTS OF DISPUTES
PURSUANT TO SECTION 38 OF THE SURFACE RIGHTS ACT
dealt with in 1975

	<u>CROWN</u>	<u>PRIVATE</u>	<u>TOTAL</u>
APPLICATIONS RECEIVED:			
Carried over from previous year	-	2	2
Received during the year	-	7	7
	-	-	-
	-	9	9
	-	-	-
APPLICATIONS DISPOSED OF:			
Compensation determined	-	5	5
Settled independently of Board	-	2	2
Withdrawn - project not proceeded with	-	2	2
	-	-	-
	-	9	9
	-	-	-
APPLICATIONS OUTSTANDING:			
	-	-	-
	-	-	-

SURFACE RIGHTS BOARD

THE EXPROPRIATION PROCEDURE ACT
SUMMARY OF APPLICATIONS FOR EXPROPRIATION FOR PIPE LINES
dealt with in 1975

	<u>CROWN</u>	<u>PRIVATE</u>	<u>TOTAL</u>
APPLICATIONS RECEIVED:			
Carried over from previous year (including Applications transferred from the Public Utilities Board in 1972)	7	77	84
Received during the year	-	-	-
	<u>7</u>	<u>77</u>	<u>84</u>
	-	-	-
APPLICATIONS DISPOSED OF:			
Expropriation granted - compensation determined	-	18	18
Rescinded	4	14	18
Settled independently of Board	1	11	12
Withdrawn	-	1	1
Not proceeded with	-	2	2
	<u>5</u>	<u>46</u>	<u>51</u>
	-	-	-
APPLICATIONS OUTSTANDING:	2	31	33
	<u>2</u>	<u>31</u>	<u>33</u>

SURFACE RIGHTS BOARD

THE EXPROPRIATION PROCEDURE ACT
SUMMARY OF APPLICATIONS FOR EXPROPRIATION FOR POWER LINES
dealt with in 1975

	<u>CROWN</u>	<u>PRIVATE</u>	<u>TOTAL</u>
APPLICATIONS RECEIVED:			
Carried over from previous year (including Applications transferred from the Public Utilities Board in 1972)	-	33	33
Received during the year	-	-	-
	-	-	-
	-	33	33
	-	-	-
APPLICATIONS DISPOSED OF:			
Expropriation granted - compensation determined	-	-	-
Rescinded	-	8	8
Settled independently of Board	-	-	-
Withdrawn	-	-	-
Not proceeded with	-	-	-
	-	-	-
	-	8	8
	-	-	-
APPLICATIONS OUTSTANDING:	-	25	25
	-	-	-
	-	-	-

SURFACE RIGHTS BOARD

THE EXPROPRIATION PROCEDURE ACT
SUMMARY OF ALL APPLICATIONS FOR EXPROPRIATION
dealt with in 1975

	<u>CROWN</u>	<u>PRIVATE</u>	<u>TOTAL</u>
APPLICATIONS RECEIVED:			
Carried over from previous year (including Applications transferred from the Public Utilities Board in 1972)	7	110	117
Received during the year	-	-	-
	-	-	-
	7	110	117
	-	-	-
APPLICATIONS DISPOSED OF:			
Expropriation granted - compensation determined	-	18	18
Rescinded	4	22	26
Settled independently of Board	1	11	12
Withdrawn	-	1	1
Not proceeded with	-	2	2
	-	-	-
	5	54	59
	-	-	-
APPLICATIONS OUTSTANDING:	2	56	58
	=	=	=

SURFACE RIGHTS BOARD

THE EXPROPRIATION ACT
SUMMARY OF NOTICES OF INTENTION TO EXPROPRIATE
FOR RIGHTS OF WAY FOR PIPE LINES
dealt with in 1975

	<u>CROWN</u>	<u>PRIVATE</u>	<u>TOTAL</u>
NOTICES OF INTENTION SERVED ON THE BOARD:			
Carried over from previous year	1	29	30
Received during the year	1	131	132
	<u>—</u>	<u>—</u>	<u>—</u>
	2	160	162
	<u>—</u>	<u>—</u>	<u>—</u>
DISPOSITIONS:			
Abandoned			16
Certificates of Approval issued			64
Expropriation not proceeded with	1		
Expropriation terminated	5		
Outstanding			82
			<u>—</u>
			162
			<u>—</u>

SURFACE RIGHTS BOARD

THE EXPROPRIATION ACT
SUMMARY OF NOTICES OF INTENTION TO EXPROPRIATE
FOR RIGHTS OF WAY FOR POWER LINES
dealt with in 1975

	<u>CROWN</u>	<u>PRIVATE</u>	<u>TOTAL</u>
NOTICES OF INTENTION SERVED ON THE BOARD:			
Carried over from previous year	-	3	3
Received during the year	-	32	32
	-	-	-
	-	35	35
	-	-	-
DISPOSITIONS:			
Abandoned			3
Certificates of Approval issued			30
Expropriation not proceeded with	-		
Expropriation terminated	-		
Outstanding			2
			-
			35
			-

SURFACE RIGHTS BOARD

THE EXPROPRIATION ACT
SUMMARY OF ALL NOTICES OF INTENTION TO EXPROPRIATE
FOR RIGHTS OF WAY
dealt with in 1975

	<u>CROWN</u>	<u>PRIVATE</u>	<u>TOTAL</u>
NOTICES OF INTENTION SERVED ON THE BOARD:			
Carried over from previous year	1	32	33
Received during the year	1	163	164
	2	195	197
DISPOSITIONS:			
Abandoned			19
Certificates of Approval issued			94
Expropriation not proceeded with	1		
Expropriation terminated	9		
Outstanding			84
			197

SUMMARY OF APPEALS FROM DECISIONS OF THE BOARD
TO THE COURTS UNDER THE SURFACE RIGHTS ACT

NOTICES OF APPEALS FILED

	<u>BY COMPANIES</u>	<u>BY LANDOWNERS OR OCCUPANTS</u>	<u>TOTAL</u>
Carried over from previous year	-	8	8
Notices filed during 1975	5	5	10
	<u>5</u>	<u>13</u>	<u>18</u>

DISPOSITION OF APPEALS

Appeals completed:

by District Court	-	
by Supreme Court of Canada	-	-

Judgments of District Court

appealed to Appellate Division and completed	-
---	---

Settled out of Court -

Abandoned -

OUTSTANDING: 18

SUMMARY OF APPEALS FROM DECISIONS OF THE BOARD
TO THE COURTS UNDER THE EXPROPRIATION PROCEDURE ACT

NOTICES OF APPEALS FILED

	<u>BY COMPANIES</u>	<u>BY LANDOWNERS OR OCCUPANTS</u>	<u>TOTAL</u>
Carried over from previous year	1	1	2
Notices filed during 1975	1	2	3
	—	—	—
	2	3	5
	—	—	—

DISPOSITION OF APPEALS

Appeals completed:

by District Court	—		
by Supreme Court of Canada	—		—

Judgments of District Court

appealed to Appellate Division and completed			—
---	--	--	---

Settled out of Court	1	—	1
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Abandoned	1	—	1
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	—	—	—
--	---	---	---

	2	—	2
--	---	---	---

	—	—	—
--	---	---	---

OUTSTANDING:	—	3	3
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	—	—	—
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